
Introduced by Senator Kuehl

February 22, 2005

An act to amend Section 40001 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 857, as introduced, Kuehl. Air quality: districts: rules and regulations.

Existing law requires air pollution control districts and air quality management districts to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards, including, but not limited to, a process to approve alternative methods of complying with emission control requirements that provide equivalent emission reductions, emissions monitoring, or recordkeeping, and provision for the prevention and abatement of air pollution episodes that cause discomfort or health risks to, or damage to the property of, a significant number of persons or class of persons.

This bill would make technical, nonsubstantive changes in the provision relating to the prevention and abatement of air pollution episodes that cause discomfort or health risks to, or damage to the property of, a significant number of persons or class of persons.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40001 of the Health and Safety Code is
- 2 amended to read:
- 3 40001. (a) Subject to the powers and duties of the state board,
- 4 the districts shall adopt and enforce rules and regulations to

1 achieve and maintain the state and federal ambient air quality
2 standards in all areas affected by emission sources under their
3 jurisdiction, and shall enforce all applicable provisions of state
4 and federal law.

5 (b) The district rules and regulations may, and at the request of
6 the state board shall, provide for the prevention and abatement of
7 air pollution episodes~~which~~ *that*, at intervals, cause discomfort
8 or health risks to, or damage to the property of, a significant
9 number of persons or class of persons.

10 (c) Prior to adopting any rule or regulation to reduce criteria
11 pollutants, a district shall determine that there is a problem that
12 the proposed rule or regulation will alleviate and that the rule or
13 regulation will promote the attainment or maintenance of state or
14 federal ambient air quality standards.

15 (d) (1) The district rules and regulations shall include a
16 process to approve alternative methods of complying with
17 emission control requirements that provide equivalent emission
18 reductions, emissions monitoring, or recordkeeping.

19 (2) A district shall allow the implementation of alternative
20 methods of emission reduction, emissions monitoring, or
21 recordkeeping if a facility demonstrates to the satisfaction of the
22 district that those alternative methods will provide equivalent
23 performance. Any alternative method of emission reduction,
24 emissions monitoring, or recordkeeping proposed by the facility
25 shall not violate other provisions of law.

26 (3) If a district rule specifies an emission limit for a facility or
27 system, the district shall not set operational or effectiveness
28 requirements for any specific emission control equipment
29 operating on a facility or system under that limit. Any alternative
30 method of emission reduction, emissions monitoring, or
31 recordkeeping proposed by the facility shall include the
32 necessary operational and effectiveness measurement elements
33 that can be included as permit conditions by the district to ensure
34 compliance with, and enforcement of, the equivalent
35 performance requirements of paragraphs (1) and (2). Nothing in
36 this subdivision limits the district's authority to inspect a
37 facility's equipment or records to ensure operational compliance.
38 This paragraph shall apply to existing rules and facilities
39 operating under those rules.

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